

Minutes of the State Board of Health

July 9, 2003

The Washington State Board of Health (SBOH) met at the City Council Chamber in Colville, Washington. Chair Linda Lake called the public meeting to order at 9:05 a.m. and addressed the attendees with the following statement:

“This is a public meeting of the State Board of Health held under provision of RCW 43.20. Notice of the meeting was provided in accordance with provisions of RCW 34.05, the Administrative Procedures Act. Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

Copies of all materials supplied to the Board for today’s meeting have been available since close of business last Friday from the Board’s Olympia office and on the Board’s Web site at www.doh.wa.gov/sboh. They are also available today, along with anything else we have received since, at the table in the back of the room. To conserve public funds, we have only made as many copies as we feel will be needed, so we may run out of some particularly popular items. If you do not find a document you need, please ask Executive Assistant Desiree Robinson, or another Board staff person for one.

Our meeting today is open to the public, so please feel free to listen in on informal discussions involving Board members or staff, including any that may occur during breaks or lunch.”

SBOH members present:

Linda Lake, MBA, Chair
Carl Osaki, RS, MSPH
Thomas H. Locke, MD, MPH, Vice Chair
Ed Gray, MD

Vickie Ybarra, RN, MPH
The Honorable David Crump, PhD
Secretary Mary Selecky
The Honorable Carolyn Edmonds

SBOH members absent:

Joe Finkbonner, R.Ph., M.H.A.

Charles Chu, DPM

State Board of Health Staff present:

Don Sloma, Executive Director
Craig McLaughlin, Sr. Health Policy Manager
Doreen Garcia, Senior Health Policy Advisor

Marianne Seifert, Health Policy Advisor
Desiree Robinson, Executive Assistant
Jennifer Dodd, Assistant to the Board

Guests and Other Participants:

Jim Matsuyama, North-East Tri-County
Health District (NETCHD)
Fran Bolt, NETCHD
Carol Villers, NETCHD
Katherine Sanders, Washington Health
Foundation
Richard Benson, Department of Health

Nancy Foll, Family Support Center
Thelma Simon, citizen
Keith Simon, citizen
Jim Kerns, ESD 101
Kim Thorburn, Spokane Regional Health
District

APPROVAL OF AGENDA

Motion: Approve July 9, 2003 agenda

Motion/Second: Osaki/Edmonds

Approved unanimously

ADOPTION OF May 14, 2003 MEETING MINUTES

Motion: Approve the May 14, 2003 minutes as written

Motion/Second: Locke/Osaki

Approved unanimously

WELCOME REMARKS

Board Member and Northeast Tri-County Health Officer Ed Gray, The Honorable Robert Anderson, Mayor of Colville, and Dennis Snook, Northeast Tri County Health Board Member welcomed the Washington State Board of Health to the Northeast Tri-County Health District. Dr. Gray provided an historical perspective on the district and described its governance structure. Mayor Anderson described the regional transportation system and how it contributes to air pollution—namely particulates kicked up as dust—in Colville. He emphasized that it is a region-wide problem and talked about solutions being developed in partnership with the Department of Transportation, the Department of Health, the Department of Ecology and others. Mr. Snook described how smaller counties are depressed and having a very difficult time with budgetary problems.

Chair Lake stated that she wanted to formally ask members of the Northeast Tri County Board of Health about issues that concern them. The Honorable Carolyn Edmonds, WSBOH Member, asked Mayor Anderson about the treatment system under development in Colville. Mr. Snook stated that the Growth Management Act has hindered development in his county. Pend Oreille County Commissioner Mike Hansen stated that he is concerned about the “solutions” from the Legislature that put a strain on the limited capacity and capability of rural counties. He said, “One size does not fit all.” Pend Oreille County, he said, does not have the resources to meet standards such as swimming pools regulations. Commissioner Hansen asked the Board to not foster irresponsible regulations.

Chair Lake asked how routine health care is delivered in the area. Health District Administrator Carol Villers stressed that access to health care is the biggest concern. She stated that staff recruitment and retention is not a problem for the Health District. She discussed public health nursing responsibilities and successful efforts pertaining to WIC, Children with Special Health Care Needs, Family Planning, Maternity Support Services, early intervention for DSHS clients, etc. The Honorable David Crump, WSBOH Member, asked how public health nursing productivity is measured. Ms. Villers stated that public health nursing productivity cannot be measured by hours worked. Ms. Edmonds asked the panel to describe any solutions they would propose to the Legislature. Ms. Villers stated that one solution is flexible funding for public health based on community needs. Secretary of Health and WSBOH Member Mary Selecky complemented the multi-county health district’s emergency response efforts and the strength of its governance structure.

**EXPEDITED RULEMAKING TECHNICAL CHANGE TO WAC 246-100-036 –
EMERGENCY POWERS & DUTIES OF LOCAL HEALTH OFFICERS**

WSBOH Senior Policy Manager Craig McLaughlin and WSBOH Member Dr. Tom Locke explained that the expedited rule making is necessary to clarify an incorrect citation in WAC 246-100-036 (see memo and CR-105 behind Tab 4). Dr. Locke made the following motion:

Motion: The Board adopts the changes to WAC 246-100-036 as described in WSR 03-09-066 and directs the Executive Director to file a CR-103 Rule Making Order to that effect.

Motion/Second: Locke/Crump

Approved unanimously

PUBLIC HEARING FOR WAC 246-272B, CREATING A SEPARATE CHAPTER FOR LARGE ONSITE SEWAGE SYSTEMS

WSBOH Member Carl Osaki initiated the public hearing for WAC 246-272B. WSBOH Policy Analyst Marianne Seifert mentioned that a section of WAC 246-272 that probably should have been included in the proposed chapter had been left out. She introduced Maryanne Guichard, DOH Environmental Health and Safety Program Manager, who suggested three solutions: hear this section in the spring along with the small onsite sewage system rule hearing, file a corrected CR-102 for a hearing in September, or adopt the chapter and delegate authority to DOH to make technical corrections. Secretary Selecky suggested delegating the rule to DOH. Ms. Edmonds asked how this process would avoid the problem of trying to make “one shoe fit all sizes.” Ms. Guichard and Ms. Seifert mentioned that the current smaller onsite sewage system rule development committee had members representing a range of perspectives, including eastern and rural Washington, and that the committee was working on addressing this issue. The Board members discussed the benefits of the various actions.

Motion: The Board defers the public hearing considering the adoption of Chapter 246-272B WAC until the Board’s next meeting.

Motion/Second: Osaki/Crump

Approved unanimously

PILOT PROJECT REPORT ON WELL CHILD EXAMS AT SCHOOL ENTRY

WSBOH Member Vickie Ybarra introduced the agenda item and referred to the executive summary and report (see materials behind Tab 6). WSBOH Senior Policy Analyst Doreen Garcia provided additional background and introduced Marcia Riggers, OSPI Assistant Superintendent. See Ms. Riggers’ slide presentation behind Tab 6 for a summary of the project. Ms. Ybarra and Ms. Garcia mentioned that more children had access to health care when the study was conceived than they do now. Ms. Riggers added that the issue of access to health care needs to be explored and recommended that the productive relationships between OSPI, DOH, SBOH, and DSHS developed during this project need to be continued. She said the report recommends that a requirement would not be appropriate at this time. Ms. Edmonds asked for the list of the districts involved in the study, and if any local districts require the exams. Ms. Riggers answered that to her knowledge no districts require it. Some do ask for it, but children without exams are not excluded from schools. Ms. Garcia added that 23 states require similar exams. Dr. Crump asked about the participation rate and numbers. Ms. Riggers and Ms. Garcia described the participation and epidemiological rigor of the study. Dr. Locke mentioned the connection of this work to the access to critical health services work the Board has done, and the need to explore non-regulatory incentives. Chair Lake said she agreed with the recommendations, but was disappointed with the findings. Dr. Gray asked about the 86 referrals mentioned in the presentation and report. Ms. Ybarra described the referral type and rate. Ms. Riggers added that

they've asked the Nurse Corp to follow up on the referrals. Dr. Crump commended the interagency relationship and recommended the relationship be continued. Ms. Ybarra also thanked the DOH, OSPI, school district staff and others who worked on the project.

Motion: The Board approves the Well-Child Exam Pilot Project Report, a joint project of the Office of the Superintendent of Public Instruction, Department of Health, State Board of Health, and Department of Social and Health Services.

Motion/Second: Ybarra/Locke

Approved unanimously

PROPOSED BOARD WORK PRIORITIES 2003-2005

WSBOH Executive Director Don Sloma discussed the Board's priority setting process and future work. Mr. Sloma reviewed the priority work items in his memo behind Tab 7. Chair Lake invited questions regarding the information. Ms. Edmonds asked about rule making process, and who initiates it. Mr. Sloma replied that rule reviews are initiated many different ways—by citizen concerns, often by DOH, local health jurisdictions, and others, including Board members and as a result of recommendations by staff. Ms. Edmonds also asked what level of effort is required from other agencies in these efforts. Mr. Sloma replied that this varies widely at the discretion of other agencies such as DOH, local health jurisdictions, and others as they identify their participation preferences. Secretary Selecky added that it is important for the Board to consider the needs of partner agencies when they decide to initiate rule making. She also noted that several of the items in Mr. Sloma's memo might follow from development of the OPSI school comprehensive plan. Ms. Ybarra said that that had been discussed, but the OSPI comprehensive plan hasn't been developed yet, so it's difficult to incorporate into the Board's work plan.

Mr. Osaki mentioned that there are many work items, and there's a sense of relief when one is completed, and people move on to other projects. He suggested the Board should revisit past work to evaluate the impact of the work and the Board's decisions. Mr. Sloma replied that individuals considered that informally within this priority process, but not formally or as a group. Ms. Edmonds mentioned a missing priority criterion: the Board's relationship to the greater community and world. She added that it may be implicit, but it should be explicit. She suggested that there should be a committee on relationship building. Chair Lake asked if that was an end or a means—she sees it more as a “means.” Mr. Sloma mentioned the list from a previous meeting of organizations with which Board members and staffers participated. Chair Lake acknowledged the level of collaboration by Board staff as well as Board members, and said collaboration is incorporated into all aspects of the Board's work. Ms. Edmonds added that Board members might improve their collaborations and presence with other organizations. Dr. Crump added that he thinks that relationships can be an end that achieves means, and if that was a goal the Board could address this. Dr. Locke proposed using relationship building as an evaluation criterion. He added that he didn't recommend removing any of the priorities from the list, and that many are emerging issues. Ms. Edmonds added that a lay read of the priorities suggests the Board's interests are limited to bureaucracies and kids. She said if something falls off the list, she would like to see end-of-life care added, and she offered to work on this issue. She also added that she thinks there are too many rule-making items. Dr. Crump asked for more information on the end-of-life proposal, since it could be a huge issue. Secretary Selecky added that this area needs much more discussion regarding the Board's role. Dr. Crump suggested that a work plan for end of life issues would be useful. Mr. Sloma asked if there were Board members interested in developing the work plan—Ms. Edmonds offered to be on the committee. Ms.

Ybarra asked to discuss evaluation of the impact of the Board's past work at a future Board meeting.

Motion: The Board approves the July 9, 2003 memo from the Executive Director regarding "Proposed Board Work During the 2003-05 Biennium" with modifications noted in the Board's minutes of its July 9, 2003 meeting.

Motion/Second: Lake/Crump

Approved unanimously

Adjourned for lunch at 12:40 p.m. Reconvened at 1:23 p.m.

Presentation: Family Support Center for Abuse Victims, Nancy Foll

Ms. Nancy Foll of the Family Support Center provided a presentation on domestic violence and sexual assault programs in the region (see slide presentation for more information).

OVERVIEW OF HEALTH PORTIONS OF STATE OPERATING BUDGET 2003-2005

Mr. Sloma directed the Board's attention to the material behind Tab 08 and provided an overview of the health portion of the state budget (for more information, see the memo and slide presentation in the Board packet). He asked Secretary Selecky to discuss funding for state and local public health in the budget. Mr. Sloma then focused on other state-funded health activities. The Board discussed wanting to create an opportunity for further discussion at a future meeting, and suggested bringing in representatives from local communities to discuss budgetary impacts on those communities.

SBOH ANNOUNCEMENTS & OTHER BOARD BUSINESS

Mr. Sloma directed the Board to the materials behind Tab 9. He noted that Dr. Gray and Dr. Chu had been reappointed to the Board for additional three-year terms. He mentioned that Ms. Ybarra would be stepping in as a replacement for Chair Lake on the Health Care Personnel Shortage Task Force. Finally, he informed the Board that Ms. Seifert will be going to part-time and that Ms. Garcia will be leaving the Board staff in the next few months. A search for her replacement has begun.

DEPARTMENT OF HEALTH UPDATE

Secretary Selecky mentioned that the flexible dollars for local health jurisdictions, often referred to as "local backfill," were preserved. She reminded the Board that fiscal constraints are even more severe on the local level and that the Board should keep that in mind when conducting rule reviews that have local impacts. She mentioned monkeypox and the interest in finding a consistent, federal approach across the nation, rather than adopting rules state-by-state. DOH and DOE are continuing to investigate heavy metal contamination in fish and DOH has issued a health advisory on mercury levels in freshwater bass. She mentioned that next year's program for terrorism preparedness is very much about evaluating and training to the plans—and will also include a focus on chemical lab capacity and radiation preparedness. Finally, she described retirements and other changes in the DOH Senior Management Team, and in particular, how the appointment of Patty Hayes as acting director of the Division of Children and Family Health would require some discussions of how the Board and the Department should liaise in the future.

STATE BOARDS OF HEALTH REPORT

Ms. Garcia directed the Board to the materials behind Tab 11 and discussed the draft report on state boards of health nationwide. (For more information, see the slide presentation, draft report and other Board packet materials behind Tab 11). Mr. Osaki asked who would receive the draft report. Secretary Selecky questioned including specific recommendations to our state Board in a nationally distributed report and cautioned about the amount of work that might be involved in working with some national organizations. The Board provided guidance that staff should distribute the draft report but only after removing the recommendations and elements of the conclusions that are specific to the state Board.

SCHOOL ENVIRONMENTAL HEALTH UPDATE

Jim Matsuyama, Northeast Tri-County Health District Environmental Health Director, reported on the district's participation in the EPA Tools for Schools program. The district has a long history of concerns about school environmental health issues, beginning with mold problems in Kettle Falls High School. The district has worked with Eric Dickson from Educational Service District 101, Tim Hardin from DOH, and Rich Prill from Washington State University—Cooperative Extension to assess all 22 schools. The district held a training session for school superintendents and other staff about school indoor air quality, and has good working relationships with the school district. The health district would like to be part of a second-year grant to continue this work.

Ms. Riggers discussed the OSPI school environmental health initiative activities in the last year (see slide presentation behind Tab 12 for more information). Chair Lake asked if this process would allow her to give satisfactory and helpful answers when parents, teachers, and students come before the Board and ask who is in charge, and who can help them. Board members also had questions about the nature of the Crisis Response Protocol and when it would be available. Secretary Selecky spoke to resources limitations—for example, one employee at DOH provides support to 296 school districts. Dr. Locke suggested that working on prevention should not have to wait until crises are resolved, because the crises won't go away without prevention. Dr. Gray said that after his experience with Kettle Falls he found there was a lot of scientific knowledge about these issues, but that science is better known in the eastern United States. He asked about specific standards for new construction.

Ms. Seifert directed the Board members to the materials behind Tab 12. She specifically discussed the rule review process and recommendations from the rule review contained in the Board memo.

Ms. Guichard discussed the EPA Tools for Schools program and other collaborative initiatives. She also provided a DOH response to the Board's rule review (see memo for more information), which supported initiating a rule revision in July 2004. Mr. Osaki suggested going forward with the proposal but asked for a report back in six months to be added to the motion. Dr. Locke said rule making should focus on improving regulations through simplification, specificity and clarity—and need not be burdensome. Mr. Osaki urged consideration of an incentive-based rule. Ms. Edmonds mentioned that there might be a perception on the part of parents that government is slow and unresponsive if we don't begin until July 2004 and the process takes two years. Secretary Selecky said the length of the process is somewhat specified by the Administrative Procedures Act. Mr. Osaki said this issue came before the Board ten years ago and more has been done in the last year than ever before. He said someone should be identified who is accountable for making sure the momentum doesn't get lost. Dr. Crump added that issues

addressed had to go beyond just air quality and noted that there are many construction levies that have been approved or under consideration around the state.

Motion: The Board directs the Executive Director to initiate revision of Chapter 246-366 WAC by July 2004. It requests that DOH and OSPI report to the Board in January 2004 on the status of their work regarding school environmental health. It also directs the Chair to send a letter to Mary Selecky, Secretary of Health, and Terry Bergeson, Superintendent of Public Instruction, recommending that Department of Health and the Office of the Superintendent of Public Instruction:

- 1. Include in the next edition of the Health and Safety Guide for K-12 Schools in Washington:***
 - Communication criteria regarding health-related school closures and remediation actions***
 - Communication guidance and plans for crisis and routine communication between school district and local health jurisdiction staff, and students, parents, teachers, and community members.***
- 2. Convene a workgroup of representatives of local health jurisdictions, DOH, OSPI, school boards, school districts, administrators, facility maintenance operators, architects, students, parents, teachers and other interested and effected parties to:***
 - Promote use of the Health and Safety Guide for K-12 Schools in Washington and other school environmental health best practices.***
 - Identify resources to improve local health jurisdiction and school staff expertise in improving school environmental health***
 - Identify funding mechanisms that encourage schools be designed, built, maintained, operated and inspected with the goal of improved environmental health.***

***Motion: Committee on School Environmental Health
Approved unanimously***

PUBLIC TESTIMONY

Thelma and Keith Simon, parents from Cle Elum, spoke about school indoor air quality. Ms. Simon said she appreciates what has been done and will be done, but some of her concerns are not being addressed. She said, for example, that concerned parents and others from the Cle Elum school district had already gone to state and local agencies for help. She also said she would like to see the issue of bad contractors addressed, that OSPI kept a list of bad contractors in the past, but no longer does, so these contractors are building other schools in the state. Mr. Simon said school districts need to respond to concerned parents in a decent, respectful manner, and perhaps that will be addressed in the communication plan.

Jim Kerns, risk manager for ESD 101 in Tri-County area urged revising chapter 246-366 WAC. He said that there is a critical need to review this rule in light of the fact that the Legislature this session has adopted a new building code. It would require all agencies to review their rules on or before the implementation date, which is July 2004. Also, the Washington Industrial Safety & Health Act (WISHA) services division of Labor & Industries has moved many health and safety regulations into a new body of law contained in chapter 296-100 RCW (see written testimony for more information). He also suggested a review and updating of the DOH school health and safety publications: the *School Indoor Air Quality Best Management Practices Manual* and the *Health and Safety Guide for K-12 Schools in Washington*.

Dr. Kim Thorburn, health officer for the Spokane Regional Health District, made comments on several agenda items. She said she was happy that public health was a priority that came out of the Priorities of Government (POG) exercise. With regard to health-related funding, she said the public should be engaged in a discussion of what services Washingtonians want. She argued that health care reform should be back on the POG agenda. She congratulated staff and the Board on the state boards of health report. She said she has supported improving the governance standards in Washington State. She encouraged a broader look at public health governance models in other states.

ADJOURNMENT

Chair Lake adjourned the meeting at 4:40 p.m.

WASHINGTON STATE BOARD OF HEALTH

A handwritten signature in cursive script that reads "Linda Lake". The signature is written in black ink and is positioned above a horizontal line.

Linda Lake, Chair